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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,878

04/20/2004

Yasuhiko Uchida

ITECP015

5596

25920

7590

11/06/2008

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EXAMINER

BECKLEY, JONATHAN R

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

11/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/828,878	<b>Applicant(s)</b> UCHIDA ET AL.
<b>Examiner</b> JONATHAN R. BECKLEY	<b>Art Unit</b> 2625

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 4-11 and 13.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Twyler L. Haskins/  
Supervisory Patent Examiner, Art Unit 2625

/Jonathan R Beckley/  
Examiner, Art Unit 2625

Continuation of 11, does NOT place the application in condition for allowance because: Regarding the applicant's remarks and request for reconsideration and notice of allowance have been respectfully considered but are not persuasive. Regarding independent claims 1 and 11, the applicant argues the combination of Morag combined with Shaffer does not disclose or suggest claim limitations: 1) a priority order setting module that sets a priority order of at least one image integration area included in the selected template according to a positional sequence of an upper end and positional sequence of a left end of each image integration area in the selected template; and 2) a display module that displays the priority order set by said priority order setting module in the at least one image integration area. Examiner respectfully disagrees. 1) Morag combined with Shaffer clearly discloses the limitation regarding the priority order setting. Morag discloses on several occasions and several examples of setting a priority order of the images. Morag discloses "images are arranged based on image content, image weight, and symmetry between images, ... order and time between the acquisition of the images..." and further discloses arrangement considerations "symmetry between images, which may be defined by the total moment of all of the images on a page..." Morag discusses overall priority in stating "images are assigned a grade which indicate the importance of them staying in order, which grade is taken into account when deciding which images to rearrange." With respect to Morag disclosing images are arranged in a order and time (example several consecutive images taken) pictures would remain in an order starting with the first images and there sequentially followed by the later pictures taken. Morag discusses the arrangement of these pictures on a page when disclosing "all images are arranged on a single page such as a line to indicate the order of the acquisition of the images." Morag never directly teaches the priority order is based starting at the top and left, but does disclose a line is used to show the order in which time over the line is shown. Examiner understand this to show that if images with an order of time are to be sequentially shown that the line would be read from left to right and top to bottom. Shaffer gives a clear illustration disclosing a template in which images are prioritized from left to right and top to bottom which is obviously understood by Morag. Therefore the disclosure of Morag combined with Shaffer does disclose and suggest the limitations of the applicant. 2) Morag combined with Shaffer clearly discloses the limitation regarding a display module. Morag in several instances discloses that the process of a user selects the type of template to use, assigns a grade to each image determining important, and determines the type of images to determine the arrangement of the images and etc.. In several instances Morag discloses how when these steps are done the images are shown. Morag also discloses that arrangement and formatting of the images are performed on the customer's computer, when manually done by user or when performed automatically. It is understood by the Examiner that if images are shown on a computer that a display would obviously need to be incorporated to show images and to perform certain tasks. Shaffer discloses software methods are used by users or clerks to manipulate and digitize the images and templates to produce the desired images. These are done either at kiosks, computers, or labs all which include displays which are shown in the illustrations of Shaffer. Therefore the disclosure of Morag combined with Shaffer clearly and obviously discloses display modules which displays the priority orders set by top to bottom and left to right. The Examiner withholds the same basis for rejections and the Claims 1, 4-11 and 13 respectfully stand rejected. Regarding dependent claims 4-10, these claims are ultimately rejected as depending from Claims 1 and 11. Also, regarding Claim 7, the claim rejection was inadvertently included in the Final Office Action and was meant to be included under the same basis of Morag combined with Shaffer. .